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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SILVIA SANDOVAL,

CASE NO.:

Plaintiff,

V.

ALBERTSONS, LLC d/b/a
ALBERTSONS; DOES I – X, and ROE
CORPORATIONS I - X, inclusive,

Defendants.

**DEFENDANT, ALBERTSONS, LLC.'S NOTICE OF REMOVAL OF ACTION TO
UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

Defendant, ALBERTSONS, LLC., by its undersigned attorneys, LEW BRANDON, JR.,
ESQ. and KRIS D. KLINGENSMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
hereby removes the above-captioned case to the United States District Court, Clark County,
Nevada, where the action is now pending, pursuant to 28 USC § 1441 (a) and states as follows:

1. The above entitled action was commenced in the Eighth Judicial District Court, Clark County, State of Nevada on February 2, 2017, bearing Case No. A-17-750493-C. The action is now pending in the Eighth Judicial District Court, Clark County, State of Nevada.



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1 2. Plaintiff filed her initial Complaint on or about February 2, 2017. Plaintiff's
 2 Complaint fails to state that this case is one which is or has become removable. *See Harris v.*
 3 *Bankers Life & Cas. Co.*, 425 F.3d 689 (9th Cir. 2005).

4 3. On March 27, 2017, Plaintiff served upon Defendant, Albertsons, LLC., her
 5 Petition for Exemption from Arbitration, wherein Plaintiff alleges that she sustained medical
 6 expenses of approximately Eighty-Seven Thousand One Hundred Sixty-Eight Dollars
 7 (\$87,168.00). This Notice of Removal was filed timely as it was filed within thirty (30) days of
 8 service of the Petition for Exemption from Arbitration upon Albertsons, LLC, which was the
 9 first motion, order or other paper from which it could first be ascertained that this case is one
 10 which is or has become removable. *See* 28 U.S.C. 1446(b); *Harris*, 425 F.3d 689.
 11

12 4. Pursuant to Fed. R. Civ. P. 6 (a), the last day of the thirty (30) day period set
 13 forth under 28 U.S.C. 1446(b) is April 26, 2017. *See* 28 U.S.C. 1446(b); *Harris v. Bankers Life*
 14 *& Cas. Co.*, 425 F.3d 689 (9th Cir. 2005).

15 5. This action concerns an allegation that the Defendant was negligent in creating a
 16 dangerous condition, causing injury to Plaintiff.

17 6. At the commencement of this action and at the time of the filing of this Notice of
 18 Removal, Plaintiff, SILVIA SANDOVAL was, and now is, a citizen of the State of Nevada.

19 7. At the commencement of this action and at all times herein, Defendant,
 20 ALBERTSONS, LLC. was, and now is, a limited liability company duly organized and existing
 21 under the laws of the State of Delaware with its principal place of business in Boise, Idaho, and
 22 therefore, is a citizen of the State of Delaware and Idaho.

23 8. Upon information and belief, Plaintiff, SILVIA SANDOVAL's medical specials
 24 and unknown future medical specials are approximately Eighty-Seven Thousand One Hundred
 25



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1 Sixty-Eight Dollars (\$87,168.00). As a result, the amount in controversy exceeds Seventy-Five
2 Thousand Dollars (\$75,000.00).

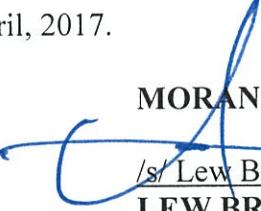
3 9. The United States District Court for the District of Nevada has original
4 jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of different States and
5 the amount in controversy exceeds the sum or value of Seventy-Five Thousand Dollars
6 (\$75,000.00) exclusive of interests and costs.

7 10. Accordingly, Plaintiff's Complaint is removal pursuant to 28 U.S.C. 1441, which
8 provides that a defendant may remove a case over which the federal court has original
9 jurisdiction.

10 11. A copy of all process and pleadings served upon the Defendant is attached hereto
12 as Exhibit "1."

13 14. WHEREFORE, Defendant, ALBERTSONS, LLC., a Delaware limited liability
15 company respectfully requests that this action proceed in this Court as an action properly
16 removed to it.

17 18. DATED this 3rd day of April, 2017.

19 20.  MORAN BRANDON BENDAVID MORAN
/s/ Lew Brandon, Jr., Esq.
21 22. LEW BRANDON, JR., ESQ.
23 Nevada Bar No. 5880
24 KRIS D. KLINGENSMITH, ESQ.
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Attorneys for Defendant,
ALBERTSONS, LLC.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on the 3rd day of April, 2017, I served the foregoing **DEFENDANT, ALBERTSONS, LLC.'S NOTICE OF REMOVAL OF ACTION** **TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** via the Court's electronic filing and service systems to all parties on the current service list.

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